

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00564

**Lauren Terkel; Pineywoods Arcadia Home Team, Ltd.;
Lufkin Creekside Apartments, Ltd.; Lufkin Creekside
Apartments II, Ltd.; Lakeridge Apartments, Ltd.;
Weatherford Meadow Vista Apartments, LP; and
MacDonald Property Management, LLC,**
Plaintiffs,

v.

**Centers for Disease Control and Prevention; Director Ro-
chelle P. Walensky; Acting Chief Sherri A. Berger; United
States Department of Health and Human Services; Acting
Secretary Norris Cochran; and United States of America,**
Defendants.

FINAL JUDGMENT

The claims of plaintiffs Pineywoods Arcadia Home Team, Ltd. and Weatherford Meadow Vista Apartments, LP are dismissed without prejudice for lack of standing.

The court declares that the challenged agency order—Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 85 Fed. Reg. 55,292 (Sept. 4, 2020), extended and modified by 86 Fed. Reg. 8,020 (Feb. 3, 2021)—exceeds the power granted to the federal government to “regulate Commerce . . . among the several States” and to “make all Laws which shall be necessary and proper for carrying into Execution” that power, U.S. Const. art. I, § 8. That order is held and declared unlawful as “contrary to constitutional . . . power.” 5 U.S.C. § 706(2)(B).

Plaintiffs’ prayer for injunctive relief is denied without prejudice.

The clerk of court is directed to enter this document on the docket as a final judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

So ordered by the court on February 25, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge